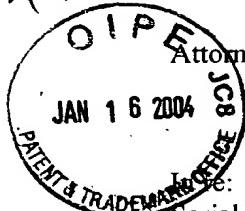


01-16-04

AF
1752



Attorney Docket No. 5576-125

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Kubota et al.

Serial No.: 09/851,274

Filed: May 8, 2001

For: RESIST MATERIAL AND METHOD FOR PATTERN FORMATION

Confirmation No. 3436

Group Art Unit: 1752

Examiner: Sin J. Lee

Mail Stop Appeal Brief-Patents
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

January 15, 2004

RECEIVED
JAN 22 2004
TC 1700

**REQUEST FOR REINSTATEMENT OF APPEAL TO THE BOARD OF PATENT APPEALS
AND INTERFERENCES UNDER 37 C.F.R. §1.193**

Sir:

Applicants hereby request reinstatement of the appeal to the Board of Patent Appeals and Interferences. A "Notice of Appeal to the Board of Patent Appeals and Interferences" was filed on May 22, 2003 followed by submission of an Appeal Brief in triplicate on July 21, 2003. A non-final Office Action was mailed October 15, 2003. In response thereto, Applicants hereby respectfully request option (C) of M.P.E.P. § 1208.02: request reinstatement of the appeal.

In accordance with option (C), this request is accompanied by a supplemental appeal brief and no new amendments, affidavits or other evidence is presented. Applicants have revised argument section IIIA, added new argument section D, and revised argument section E to address the issues represented in the non-final Office Action.

As this action is a reinstatement of the previous appeal to the Board of Patent Appeals and Interferences, no fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0220.

Respectfully submitted,

Shawna Cannon Lemon
Registration No. 53,888

USPTO Customer No. 20792

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428, Raleigh, NC 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 381448611 US

Date of Deposit: January 15, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to:

Susan E. Freedman

Date of Signature: January 15, 2004